

MAR 27 2008

Application No.: 10/628,229Docket No.: 30019297-2 US (1509-426)**REMARKS**

Some of the claims have been amended for clarity.

Applicants traverse the rejection of claims 1-26 under 35 USC 102 (e) as being anticipated by Banitt et al., US Patent 5,963,247. Banitt, insofar as it relates to claims 1-26, is concerned with a visual display system including main screen 102, left peripheral screen 104 and right peripheral screen 106, respectively responsive to different images from main projector 108, projector 110 for a secondary left image and projector 112 for a secondary right image. The projectors are responsive to different images supplied to them by controller 120; Figure 1, column 9, line 64-column 10, line 42, and column 11, lines 30-33.

Based on the foregoing, Banitt fails to disclose, inter alia, the requirements of claim 1 (1) to store visual pictorial media data corresponding to the same visual pictorial media, and (2) for data to be stored on network elements connected to a network. With regard to requirement (1), the office action admits the secondary visual image sources store secondary visual images which differ from the first scene, that is, the primary visual images. With regard to requirement (2), the office action states column 10, lines 49-52 and column 15, lines 17-20 respectively disclose (1) first and second network elements and (2) transmitting control data from a first network element to a second network element. Column 10, lines 49-52, however, states images are displayed that were not recorded in the precise coordination or synchronization that is required of images that need to be displayed according to the prior art discussed by Banitt. Column 15, lines 17-20 states multi-scaler 230 changes the size of all sections of an image, as desired so that, for example, line 254, Figure 6, moves vertically upward from image 240 to image 242 of Figure 6. These statements do not relate to transmitting control data from a first network element to a second network element via a network. If this ground rejection is repeated,

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explanation is in order.

Claims 2-10 depend either directly or indirectly on claim 1 and are therefore allowable with claim 1. In addition, several of these claims include limitations not disclosed by Banitt.

For example, claim 4 requires the portion of the locally stored visual pictorial media to be displayed on viewing means of the first network element substantially synchronously with the displaying of the local visual pictorial media data on viewing means of the second network element. The office action relies on column 10, lines 49-52 of Banitt for this feature. However, in Banitt, the synchronization relates to synchronization between the primary and secondary images; there is no disclosure of the primary and secondary images being in first and second network elements connected to a network.

Claim 5 requires the visual pictorial media data stored on the first network element to be identical to the visual pictorial media data stored on the second network element. The office action relies on column 14, lines 17-30 for this feature, relying on the statement that the left and right unprocessed secondary visual images are matched with the primary visual image. However, the word "matching" in this instance does not mean the primary and secondary images are identical. Instead, it means the secondary images match the overall shading, lighting, coloring, geometry and shadowing, as well as object and camera movement such that the secondary images include psychological depth perception cues at the time the recordings of the visual secondary images are visualized on the visual display system of Figure 1 and so that the subject matter of the secondary images is compatible with the primary visual image; column 14, lines 21-26, and column 13, line 64-column 14, line 1.

Claim 6 requires visual pictorial saliency techniques to be used to select the portion of the visual pictorial media automatically. Claim 1 further indicates the visual pictorial media data that is created from the locally stored visual pictorial media data is derived with

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a processing means of the first network element, wherein the local visual pictorial media data that are at the second network element are displayed at the second network element. The office action alleges the requirements of claim 6 are found in column 7, lines 25-40 of Banitt. Column 7, lines 25-40, however, indicates a secondary visual image matching unit includes at least one of a multi-scaler, a rate matcher, a motion matcher, an edge master and a color matcher. The multi-scaler scales selected secondary visual images to match the scale of the primary visual image. The rate matcher matches the timing of a series of selected secondary visual images to the timing of a series of primary visual images. The motion matcher matches the camera motion in a series of selected secondary visual images to the camera motion of a series of primary visual images. The edge matcher blends each edge of the primary image with the edge of one of the secondary images adjacent to it. The color matcher matches the color quality of the selected secondary images to the color quality of the primary visual image. This has nothing to do with the requirements of claim 6 with regard to pictorial saliency, particularly in combination with the foregoing requirements of claim 1 that relate to the saliency requirements of claim 6.

The office action alleges the requirements of claim 8 are found in column 11, line 66-column 12, line 13. Claim 8 indicates a rostrum path is shared between the first and second network elements. Paragraph 0063 of the present application as filed indicates a rostrum path is a sequence of frames containing features of interest as it varies its position in time and space. Column 11, line 66-column 12, line 13 merely indicates secondary visual image source 206, Figure 3, has subject matter compatible with primary visual image P. Source 206 can include other shots taken, for example, using television cameras from the same location, but at another time as taking primary visual image P or a different location. In addition, source 206 can include a library of visual images in the form of pre-prepared computer-generated or animated scenes or computer graphics routines for preparing objects such that a custom-made montage can be prepared to match primary visual image P, in which case a more automated system 200 including image processing software can be employed for analyzing the subject matter of primary image P. Applicants do not understand how this portion of Banitt has anything to do with a rostrum

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path that is shared between first and second network elements.

To reject claim 9, the office action relies on Figure 2C of Banitt. Claim 9 requires visual pictorial media data to be transferred from a first network element to a second network element prior to step (i) of claim 1, that is, prior to local visual pictorial media data corresponding to the same visual pictorial media being stored on first and second network elements connected to a network across which are viewed visual pictorial media. Figure 2C, described in the paragraph bridging columns 12 and 13, includes three consecutive frames for display as the left, right and principle visual images. These images illustrate the use of movement for intensifying three dimensionality, such that a viewer perceives a zoom shot toward automobile 140, as further emphasized through the enlargement of trees 142 and 144 as the automobile and trees approach a viewer or audience. This has nothing to do with transferring visual pictorial media data from a first network element to a second network element, and in particular has nothing to do with such a transfer occurring prior to local visual pictorial media data being stored on first and second network elements.

The allegation in the office action that claim 10 "teaches" the same limitations as claim 1 is incorrect. Claim 10 requires, inter alia, further, that is, additional, derived visual pictorial media data from the locally stored visual pictorial media data to be created with a processing means of the second network element, which is a limitation different from the limitations of claim 1. Claim 10 also requires a control data set to be transmitted from the second network elements of the first network element via the network, a feature also not found in claim 1.

Claim 11 distinguishes over Banitt by requiring, inter alia, a copy of the visual pictorial media data to be stored and the control data set that is transmitted from a first network element to a second network element to include information relating to the location of an automatically selected portion within the locally stored copy of the visual pictorial media data. The office action again relies on column 10, lines 49-52, column 15, lines 63-66 and column 14, lines 44-50 of Banitt. However, there is no disclosure in any of

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these parts of Banitt of network elements connected over a network, nor storing, at a second network element, a copy of visual pictorial media data that is at a first network element.

Claims 12-14, which depend on claim 11, is allowable with claim 11. In addition, these dependent claims include features not found in Banitt.

For example, claim 12 requires the control data set that is transmitted from the first network element to the second network element to be smaller than the portion of a visual pictorial media data. The office action relies on column 15, lines 18-27 of Banitt for this feature. However, this portion of Banitt relates to changing the size of sections of an image and has nothing to do with a control data set that is transmitted from a first network element to a second network element.

Claim 13 distinguishes over Banitt because Banitt does not disclose first and second network elements connected over a network wherein the first network element has a display for displaying a pictorial image generated from a portion of a visual pictorial media data synchronously with this display upon the display of a second network element; see the discussion of claim 4.

Claim 14 distinguishes over Banitt, inter alia, by requiring a third network element connected to the network, wherein the third network element has a data store arranged to store the visual pictorial media locally, and the first network element is arranged to transmit the control data set to the third network element such that the viewing means of the third network element is arranged to substantially synchronously display the portion of the visual pictorial media that are stored locally, and with the display of the portion of the visual pictorial media on the second network element. The office action relies on column 10, lines 49-52 and column 15, line 63-66 of Banitt for the features of claim 14. However, there is nothing in these portions of the reference dealing with network elements, no less first, second and third network elements.

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The allegation in the office action that claim 15 "teaches" the same limitation as claimed 1 is incorrect. Claim 1 is concerned with a method of viewing visual pictorial media across a network, while claim 15 defines a network element including, inter alia, a selector, a processor, a data generator, and a transmitter. In addition, the transmitter is required to transmit a control data set to a remote network element having a local copy of the visual pictorial media data stored in the data store of the network element that transmits the control data set. To establish a proper rejection based on anticipation, the examiner must indicate where the foregoing structural elements of claim 15 are found in Banitt, which has not been done. As a result, the rejection of claim 15 is wrong.

Claims 16-21 depend on claim 15 and are allowable therewith. In addition, these dependent claims are allowable for similar reasons advanced in connection with other dependent claims. In addition, these dependent claims recite structure that is not identified in the office action as being disclosed by Banitt.

Independent claim 22 is directed to a network element. As such, claim 22 is directed to subject matter different from the method of viewing visual pictorial media across a network, as required by claim 1. In addition, claim 22 includes structural limitations not found in claim 1, particularly a processor coupled with a receiver, data store and display for supplying a portion of locally stored visual pictorial media data to a display based on location information and processing instructions in a received control data set. Consequently, the rejection of claim 22 is incorrect.

Claim 23 depends on claim 22 and is allowable with claim 22. In addition, claim 23, as amended, indicates the pictorial image on the remote network element is the same as the locally stored visual media data, a feature not found in Banitt, as discussed supra.

Claim 24, being directed to a program storage device, which causes a machine encoding a program of instructions to operate as a network element according to claim 15,

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is allowable with claim 15.

Claims 25 and 26 have been amended to define a network element, rather than a personal computer, so as to cover various network devices, such as server 102, Figure 1. The rejection of claims 25 and 26 identified column 15, lines 17-20, column 10, lines 49-52, column 14, lines 44-50, column 16, lines 5-8 as being applicable to claim 25 and image processing tools 57, column 7, lines 25-40, column 11, line 66-column 12, line 13, column 10, lines 49-52 and column 15, line 63-66 as being applicable to claim 26. However, there is no disclosure in any of these portions of Banitt relating to the requirement of claim 25 for a network interface card for transmitting a control data set over a network to a second network element more to the requirement of claim 26 for a network interface card for receiving a control data set from a remote network element across a network. Consequently, for this reason alone, the anticipation rejection of claims 25 and 26 is incorrect.

In view of the foregoing amendments and remarks, allowance is in order.

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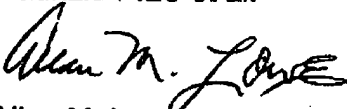
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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

Maurizio PILU et al.



Allan M. Lowe
Registration No. 19,641

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400
703-684-1111 Telephone
970-898-0640 Telecopier
Date: March 27, 2008
AML/cjf